

Notice of Allowability

Application No.

09/929,696

Examiner

Michael A Marcheschi

Applicant(s)

GILMORE ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 2/1/05.
2. ☒ The allowed claim(s) is/are 20-22.
3. ☒ The drawings filed on 14 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/28/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

MICHAEL MARCHESCHI
PATENT EXAMINER

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The examiner acknowledges the 2 preliminary amendments to the specification the first dated 9/15/02 and the second dated 2/1/05, however these amendments define the amendments in reference to paragraph numbers (define replacement paragraphs). The complete specification, as scanned, does not have any paragraph numbers (i.e. only part of the specification with paragraph numbers has been scanned). In view of this and to advance prosecution, the examiner is making the exact amendments to the specification by way of an examiners amendment which refers to these amendments.

Page 1, line 6, after '1999', insert --, now United States Patent No. 6,273,787,--.

Page 7, line 8, cancel "Figure 3 a-d depicts" and insert --Figures 3 a-d depict--.

Page 11, line 24, after 'such', insert --as--.

Page 12, line 2, insert a period after 'made'.

Page 12, line 30, cancel "visco-plastic" and insert --visco-elastic--.

Page 14, line 13, before 'cycle', cancel "the".

Page 16, line 20, cancel "methaerylate" and insert --methacrylate--.

Page 18, line 10, cancel "tens." and insert --tens--.

Page 20, line 25, cancel "or two" and insert --of two--.

Page 24, line 1, cancel "or two" and insert --of two--.

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Page 28, line 33, cancel "to" and insert --so--.

Page 31, line 10, cancel "with." and insert --with--.

Page 32, line 7, cancel "have," and insert --have--.

Page 33, line 24, cancel "rapid" and insert --rapidly--.

Page 34, line 19, cancel "25".

Page 35, line 31, cancel "slixane" and insert --siloxane--.

Page 36, line 11, cancel " and a" and insert --and an--.

Page 36, line 21, cancel "R^a" and insert --R_a--.

The following is an examiner's statement of reasons for allowance:

The claimed invention is novel over the cited references because said references **fail** to teach or suggest **all** the limitations of the claims, as is clearly argued by applicants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A Marcheschi whose telephone number is (571) 272-1374. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

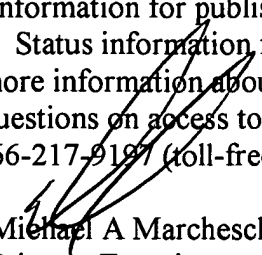
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/26/05

MM


Michael A Marcheschi
Primary Examiner
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